

C L I F F O R D

C H A N C E

DATA PRIVACY DAY 2024

Spotlight insights from the global Clifford Chance data privacy team as we celebrate Data Privacy Day.

Megan Gordon



“U.S. data privacy continues to include a myriad of federal and state laws. Several states have enacted or are continuing to develop comprehensive data privacy laws with requirements that apply across nearly all business sectors. And there is more privacy legislation to come. With no comprehensive federal data privacy law on the horizon, keeping up with the legislation and understanding the scope, applicability, and requirements of these data privacy laws is more crucial than ever for companies operating in the U.S.”

Devika Kornbacher



“How we protect children from digital harms is in the spotlight. There is vocal consensus on the need to do so, but significant divergence in what that protection should look like. In the US, this legal landscape is evolving on both federal and state levels. A broader range of organizations than ever before will be navigating practical challenges around age-assurance, parental consent, and limited collection of data through a patchwork of laws and regulations.”

Dessi Savova



“Data is the fuel powering revolutionary technologies and AI. In 2024 the most successful data and AI strategies will need to go beyond anticipating appropriate application of privacy law – they will need to break the silos between digital regulations and leverage a holistic and global approach.”

Jonathan Kewley



“Heavy-hitting cyber laws are, in some cases, outstripping benchmark privacy laws in their requirements around policies and prompt incident reporting. In the face of increasingly sophisticated cyber attacks and hyper-connected businesses, getting right the fundamentals of readiness and response is crucial.”

Stella Cramer



“A number of significant markets – such as Indonesia, India and Vietnam – have recently adopted comprehensive data protection laws, often taking inspiration from GDPR but doing so in diverging ways. These laws can have accelerated timelines for implementation, and, in some cases, no transition periods or be brought into effect without implementing regulations and guidelines. Successful data strategies for organisations operating in APAC require skilled and adaptive navigation of uncertainties and fragmentation.”

Meighan O’Reardon



“Healthcare and life sciences businesses have needed to be experts in navigating privacy laws for a long time now. But the volume and value of that data continues to grow, and the laws governing data use are expanding and diversifying. Looking to 2024 and the coming years, we’re going to see these data strategies and processes being reviewed to make sure they remain fit for purpose in the age of genomic data, personalized medicine, and de-centralized healthcare.”

Jack Hardman



“In the Middle East we’re seeing significant public and private investment in digital transformation, Infratech and emerging technologies. Hand in hand with this has come developments in the way many jurisdictions approach data protection, including new laws and regulators. Law makers in the region are taking note of the successes and challenges of other privacy regimes globally and designing approaches tailored to local priorities and needs. An area of focus in 2024 will be Saudi Arabia’s Personal Data Protection Law, which entered into force in September 2023 with a one-year grace period. Organisations preparing for compliance shouldn’t forget that existing cyber laws can also bite.”

Simon Persoff



“Governments and regulators around the globe have turned their attention to the power of accumulated data. Laws addressing privacy, competition and wider data access and commercialisation issues are becoming increasingly intertwined. Privacy and competition regulators are working more closely together than ever before, including to oversee significant changes to AdTech. Free and informed data subject consent is being given a central role by legislators, regulators and courts alike – with all the challenges that brings.”

Holger Lutz



“Increasingly, privacy laws are just one among many of the digital regulations governing data. With legislation such as the EU Data Act seeking to increase access to, and re-use of, certain data, tensions at the intersection between such laws and privacy rules need to be navigated – particularly as the Internet of Things continues to expand.”

Clarice Yue



“Cross-border transfers is an area of particularly rapid development and close regulatory scrutiny globally. In APAC, challenges can arise from the fast pace at which privacy laws are evolving and divergent approaches on cross border transfer requirements. In some cases, particular restrictions apply to categories of data – such as ‘important data’ in the PRC - whose parameters are still being defined. In some jurisdictions operating ‘white list’ or ‘black list’ models, those lists are awaited. We expect 2024 to bring some clarity in these and other important areas.”

Manel Santilari



“Last year we saw staggering GDPR fines, increased regulatory activity, strategic litigation from activist groups and a push towards standardising and streamlining cooperation between EU data protection authorities. We also saw CJEU cases ruling that there is no ‘seriousness’ threshold for damage under the GDPR, and that fear of possible data misuse following a cyber incident can, in some cases, constitute non-material damage. We may begin to see the ripple effect of these cases this year, as well as further testing of collective redress mechanisms.”

Charles-Henri Laevens



“In the contemporary investment fund landscape, fund managers increasingly must blend the finesse of investment strategies with the precision of data analytics. The advent of digital fund distribution signals a transformative phase of innovation and efficiency, yet realising this potential can only be harnessed through leveraging the power of data. Within the complex tapestry of global markets, the judicious use of data forms the bedrock of both opportunity and growth.”